

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

---

JACOB CORMAN, in his official  
capacity as Majority Leader of the  
Pennsylvania Senate, MICHAEL  
FOLMER, in his official capacity as  
Chairman of the Pennsylvania Senate  
State Government Committee,  
LOU BARLETTA, RYAN COSTELLO,  
MIKE KELLY, TOM MARINO, SCOTT  
PERRY, KEITH ROTHFUS, LLOYD  
SMUCKER, and GLENN THOMPSON,

Plaintiffs,

v.

ROBERT TORRES, in his official  
capacity as Acting Secretary of the  
Commonwealth, and JONATHAN M.  
MARKS, in his official capacity as  
Commissioner of the Bureau of  
Commissions, Elections, and Legislation,

Defendants.

No. \_\_\_\_\_

*(filed electronically)*

THREE JUDGE COURT  
REQUESTED PURSUANT TO  
28 U.S.C. § 2284(a)

---

**PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

Plaintiffs respectfully move this Court for a Temporary Restraining Order  
and a Preliminary Injunction pursuant to Rule 65 of the Federal Rules of Civil  
Procedure: (a) enjoining Defendants from implementing any congressional  
redistricting scheme arising from the Pennsylvania Supreme Court's Court Drawn

Plan; and (b) ordering Defendants to conduct the 2018 primary and general Congressional elections in full accordance with Pennsylvania's 2011 Plan. The grounds for this Motion are set forth in the accompanying Memorandum of Law, which is incorporated by reference. This Motion is supported by the Verified Complaint and the Declarations of Keith Rothfus, Scott Perry, and Ryan Costello, attached as Exhibits A through C, which are also incorporated by reference.

Respectfully submitted,

Matthew H. Haverstick  
(PA 85072)  
Mark E. Seiberling (PA 91256)  
Paul G. Gagne (PA 42009)  
Shohin H. Vance (PA 323551)  
KLEINBARD LLC  
One Liberty Place, 46<sup>th</sup> Floor  
1650 Market Street  
Philadelphia, PA 19103  
Ph: (215) 568-2000  
Email: [mhaverstick@kleinbard.com](mailto:mhaverstick@kleinbard.com)  
[mseiberling@kleinbard.com](mailto:mseiberling@kleinbard.com)  
[pgagne@kleinbard.com](mailto:pgagne@kleinbard.com)  
[svance@kleinbard.com](mailto:svance@kleinbard.com)

Joshua J. Voss (PA 306853)  
KLEINBARD LLC  
115 State Street, 2nd Floor  
Harrisburg, PA 17101  
Ph: (717) 836-7492  
Fax: (215) 568-0140  
Email: [jvoss@kleinbard.com](mailto:jvoss@kleinbard.com)  
*Counsel for Federal Plaintiffs*

Dated: February 22, 2018

/s/ Brian S. Paszamant  
Brian S. Paszamant (PA 78410)  
Jason A. Snyderman (PA 80239)  
BLANK ROME LLP  
One Logan Square  
130 N. 18<sup>th</sup> Street  
Philadelphia, PA 19103  
Ph: (215) 569-5791  
Fax: (215) 832-5791  
Email: [paszamant@blankrome.com](mailto:paszamant@blankrome.com)  
[snyderman@blankrome.com](mailto:snyderman@blankrome.com)

Jason Torchinsky (*pro hac vice*  
*application pending*)  
Shawn Sheehy (*pro hac vice*  
*application pending*)  
HOLTZMAN VOGEL JOSEFIK  
TORCHINSKY PLLC  
45 North Hill Drive, Suite 100  
Warrenton, VA 20186  
Ph: (540) 341-8808  
Fax: (540) 341-8809  
Email: [jtorchinsky@hvjt.law](mailto:jtorchinsky@hvjt.law)  
[ssheehy@hvjt.law](mailto:ssheehy@hvjt.law)  
*Counsel for State Plaintiffs*

**CERTIFICATE OF NONCONCURRENCE**

I hereby certify that I sought the concurrence in Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction from each Defendant, and that such concurrence has been denied.

Dated: February 22, 2018

/s/ Brian S. Paszamant

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

---

JACOB CORMAN, in his official  
capacity as Majority Leader of the  
Pennsylvania Senate, MICHAEL  
FOLMER, in his official capacity as  
Chairman of the Pennsylvania Senate  
State Government Committee, LOU  
BARLETTA, RYAN COSTELLO,  
MIKE KELLY, TOM MARINO, SCOTT  
PERRY, KEITH ROTHFUS, LLOYD  
SMUCKER AND GLENN  
THOMPSON,

Plaintiffs,

v.

ROBERT TORRES, in his official  
capacity as Acting Secretary of the  
Commonwealth, and JONATHAN M.  
MARKS, in his official capacity as  
Commissioner of the Bureau of  
Commissions, Elections, and Legislation,

Defendants.

No. \_\_\_\_\_

*(filed electronically)*

THREE JUDGE COURT  
REQUESTED PURSUANT TO  
28 U.S.C. § 2284(a)

---

## **DECLARATION OF KEITH ROTHFUS**

KEITH ROTHFUS declares under penalty of perjury as follows:

1. I am a Plaintiff in this civil action. I submit this Declaration in support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction.

2. I am a Congressman representing the 12th Congressional District of Pennsylvania in the United States House of Representatives. I have been actively campaigning for reelection in 2018.

3. More than five years after the 2011-12 Pennsylvania congressional map was put in place, I have developed deep relationships with constituents across the Twelfth Congressional District and resolved thousands of cases for them.

4. Under the new congressional map issued by the Pennsylvania Supreme Court on February 19, 2018, more than 300 constituents for whom I am working to resolve matters with the Federal government, including claims with the Veterans Administration, will find themselves in new districts with freshmen members of Congress who will have to restart the handling of the cases with new staff, potentially delaying resolution for months.

5. The Court's new congressional map sunders the community of greater Johnstown, which has enjoyed a single Congressional representative in the Twelfth

District for decades. Putting the city of Johnstown, which has been in a financially stressed status for years, in a different congressional district from major Johnstown area assets such as the Johnstown airport and the University of Pittsburgh Johnstown campus, will impede critical Federal, state and local coordination as the Johnstown community continues a decades-long recovery.



---

Keith Rothfus

Dated: February 21, 2018

# EXHIBIT B



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

---

JACOB CORMAN, in his official  
capacity as Majority Leader of the  
Pennsylvania Senate, MICHAEL  
FOLMER, in his official capacity as  
Chairman of the Pennsylvania Senate  
State Government Committee, LOU  
BARLETTA, RYAN COSTELLO,  
MIKE KELLY, TOM MARINO, SCOTT  
PERRY, KEITH ROTHFUS, LLOYD  
SMUCKER AND GLENN  
THOMPSON,

Plaintiffs,

v.

ROBERT TORRES, in his official  
capacity as Acting Secretary of the  
Commonwealth, and JONATHAN M.  
MARKS, in his official capacity as  
Commissioner of the Bureau of  
Commissions, Elections, and Legislation,

Defendants.

No. \_\_\_\_\_

*(filed electronically)*

THREE JUDGE COURT  
REQUESTED PURSUANT TO  
28 U.S.C. § 2284(a)

---

## **DECLARATION OF SCOTT PERRY**

SCOTT PERRY declares under penalty of perjury as follows:

1. I am a Plaintiff in this civil action. I submit this Declaration in support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction.

2. I am a Congressman representing the 4th Congressional District of Pennsylvania in the United States House of Representatives. I have been actively campaigning for reelection in 2018.


3. For the last 18 months, I have served the approximately 727,000 people of the 4th Congressional District and have been preparing for my 2018 re-election campaign. The new Congressional map issued by the Pennsylvania Supreme Court on February 19, 2018, not only radically changes the District, but threatens to waste countless hours, dollars and disrupts ongoing projects to improve the quality of life of the citizens I currently serve.

4. The new congressional map completely removes Adams County and the majority of York County (the current district's population center) from the 4<sup>th</sup> District. Since January 2017, I have opened more than 260 new constituent cases in Adams County and significantly more in the portion of York County removed in the new map. My staff have been working with constituents in these areas on highly detailed and sensitive issues ranging from Social Security, Medicare, Veteran, IRS and myriad others. Many of these cases takes months, if not years, to resolve and these citizens will be impacted severely if they're forced to essentially start over with a new Member of Congress.

4. The new congressional map completely removes Adams County and the majority of York County (the current district's population center) from the 4<sup>th</sup> District. Since January 2017, I have opened more than 260 new constituent cases in Adams County and significantly more in the portion of York County removed in the new map. My staff have been working with constituents in these areas on highly detailed and sensitive issues ranging from Social Security, Medicare, Veteran, IRS and myriad others. Many of these cases takes months, if not years, to resolve and these citizens will be impacted severely if they're forced to essentially start over with a new Member of Congress.

5. In addition, my office has worked for months with small businesses, local governments and non-profit organizations on countless community development programs in these areas, including firefighter grants, library funding, job training and workforce development funds and agricultural initiatives. The proposed changes will invalidate countless time, taxpayer funds and planning and resources spent by these organizations.

6. I have raised more than \$319,000 for my 2018 campaign since January 2017 — a large portion of that coming from supporters in areas that I may no longer represent, and often from citizens of modest financial means who nevertheless feel called to our democratic process. We should honor such commitments rather than telling them their voice doesn't really matter.



Scott Perry

Dated: February 21, 2018\_\_\_\_\_

# EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

---

JACOB CORMAN, in his official  
capacity as Majority Leader of the  
Pennsylvania Senate, MICHAEL  
FOLMER, in his official capacity as  
Chairman of the Pennsylvania Senate  
State Government Committee, LOU  
BARLETTA, RYAN COSTELLO,  
MIKE KELLY, TOM MARINO, SCOTT  
PERRY, KEITH ROTHFUS, LLOYD  
SMUCKER, and GLENN THOMPSON,

Plaintiffs,

v.

ROBERT TORRES, in his official  
capacity as Acting Secretary of the  
Commonwealth, and JONATHAN M.  
MARKS, in his official capacity as  
Commissioner of the Bureau of  
Commissions, Elections, and Legislation,

Defendants.

---

No. \_\_\_\_\_

*(filed electronically)*

THREE JUDGE COURT  
REQUESTED PURSUANT TO  
28 U.S.C. § 2284(a)

**DECLARATION OF RYAN COSTELLO**

RYAN COSTELLO declares under penalty of perjury as follows:

1. I am a Plaintiff in this civil action. I submit this Declaration in support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction.
2. I am a Congressman representing the 6th Congressional District of Pennsylvania in the United States House of Representatives. I have been actively campaigning for reelection in 2018.
3. For the last 18 months, I have served the people of the 6th Congressional District and have been preparing for my 2018 re-election campaign. The new Congressional map issued by the Pennsylvania Supreme Court on February 19, 2018, radically changes the District and threatens to ongoing activities to improve the quality of life of the citizens I currently serve.
4. The new congressional map results in a 6<sup>th</sup> District that is fifty percent

new. In addition, Almost the entirety of Berks County will reside in new districts, and that county is still split three ways. We currently have 325 open cases in which we are assisting constituents of the 6<sup>th</sup> District. Of those, I estimate that 144 (or 44%) are for constituents who would no longer be in the 6th District as a result of the new map. These constituents would have to start again with new representatives who are unfamiliar with their circumstances.

5. In addition, the current 6<sup>th</sup> District contains all of Exeter Township. In the new map, this township is split. Exeter is a significant township in terms of population growth and the life of the Berks County community. We also believe that two other townships are split: District in Berks, and Birmingham in Chester. The citizens of these townships will suffer hardship as the result of being moved into new congressional districts.

6. In addition, my office has worked for months with small businesses, local governments and non-profit organizations on countless community development programs in these areas, including firefighter grants, library funding, job training and workforce development funds and agricultural initiatives. The proposed changes will invalidate countless time, taxpayer funds and planning and resources spent by these organizations.

Ryan Castello

Dated: February 21, 2018\_\_\_\_\_

A handwritten signature in black ink, appearing to read "Ryan Castello", written over a horizontal line.

**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing Motion to be served upon the persons and in the manner set forth below.

*VIA EMAIL AND FEDERAL EXPRESS*

Mark Alan Aronchick  
Claudia De Palma  
Michele D. Hangley  
HANGLEY ARONCHICK SEGAL PUDLIN & SCHILLER  
One Logan Square, 27th Floor  
Philadelphia, PA 19103  
maronchick@hangley.com  
cdp@hangley.com  
mhangley@hangley.com

Timothy Eugene Gates  
Ian Blythe Everhart  
Kathleen Marie Kotula  
DEPARTMENT OF STATE, OFFICE OF CHIEF COUNSEL  
306 North Office Building  
Harrisburg, PA 17120  
tgates@pa.gov  
ieverhart@pa.gov  
kkotula@pa.gov

*Counsel for Defendants*

Dated: February 22, 2018

/s/ Brian Paszamant